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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,193	12/11/2003	Masanori Taketsugu	P/1878-186	2577
2352	7590	12/23/2008	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2617	
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			12/23/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/735,193	<b>Applicant(s)</b> TAKETSUGU, MASANORI	
	<b>Examiner</b> KHAWAR IQBAL	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 14 October 2008.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 23-46 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 23-46 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-14-08 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Oom et al (6738625).

Regarding claim 23 Oom et al teaches a mobile communications system comprising (figs. 1-4):

a terminal resource controller (RNM 125, Node 300, either alone or combination, see figs.1-4) operable to control a signaling processing independent of a radio transmission scheme (col. 7, lines 40-67); and

a plurality of base station resource controllers (RNCs 115, either alone or combination, see figs. 1-4) operable to control a user data transfer dependent on the radio transmission scheme (col. 5, lines 6-40);

wherein said terminal resource controller manages said plurality of base station resource controllers (col. 8, lines 1-25).

Regarding claim 24 Oom et al teaches wherein said terminal resource controller is connected to said plurality of base station resource controllers through said switching equipment (col. 5, lines 6-40, col. 7, lines 40-67, see fig. 2).

Regarding claim 25 Oom et al teaches wherein said switching equipment is a router or a hub (col. 5, lines 6-40, col. 7, lines 40-67, see fig. 2).

Regarding claim 26 Oom et al teaches wherein said terminal resource controller is physically separated from said plurality of base station resource controllers (see fig. 2 RNM and RNCs).

Regarding claim 27 Oom et al teaches said terminal resource controller comprises: a terminal position detector; a common radio resource manager; a broadcast network device; and a mobile controller (col. 8, lines 1-25, see figs. 1 and 2).

Regarding claim 28 Oom et al teaches wherein each of said plurality of base station resource controllers comprises, a cell controller, a radio layer controller, a cell communication gateway, and a user radio gateway (col. 5, lines 5-35, see figs. 1 and 2).

Regarding claim 29 Oom et al teaches wherein each of a plurality of base station resource controllers is incorporated into a base station (col. 5, lines 5-35, see figs. 1 and 2).

Regarding claim 30 Oom et al teaches further comprising a mobile terminal (fig. 2, element 120).

Regarding claim 31 Oom et al teaches a method of controlling a mobile communications system, comprising (figs. 1-2):

using a terminal resource controller in the mobile communications system to control signaling processing independent of a radio transmission scheme (col. 7, lines 40-67); and

using a plurality of base station resource controllers in the mobile communications system to control user data transfer dependent on the radio transmission scheme (col. 5, lines 6-40), wherein said terminal resource controller manages said plurality of base station resource controllers (col. 8, lines 1-25).

Regarding claim 32 Oom et al teaches a mobile communications system comprising (figs. 1-4):

a plurality of terminal resource controllers that perform a control signaling processing independent of a radio transmission scheme (col. 7, lines 40-67); and a base station resource controller that performs a control dependent on the radio transmission scheme (col. 5, lines 6-40), wherein said plurality of terminal resource controllers manage said base station resource controller (col. 8, lines 1-25).

Regarding claim 33 Oom et al teaches a switching element, wherein said plurality of terminal resource controllers are connected to said base station resource controller through said switching equipment (col. 5, lines 6-40, col. 7, lines 40-67, see fig. 2).

Regarding claim 34 Oom et al teaches wherein said switching equipment is a router or a hub (col. 5, lines 6-40, col. 7, lines 40-67, see fig. 2).

Regarding claim 35 Oom et al teaches wherein said plurality of terminal resource controllers are physically separated from said base station resource controller (see fig. 2 RNM and RNCs).

Regarding claim 36 Oom et al teaches wherein each of said terminal resource controller comprises: a terminal position detector, a common radio resource manager; a broadcast network device, and a mobile controller (col. 8, lines 1-25, see figs. 1 and 2).

Regarding claim 37 Oom et al teaches wherein said plurality of base station controllers comprises: a cell controller, a radio layer controller, a cell communication gateway, and a user radio gateway (col. 5, lines 5-35, see figs. 1 and 2).

Regarding claim 38 Oom et al teaches wherein each of a plurality of base station resource controllers is incorporated into a base station (col. 5, lines 5-35, see figs. 1 and 2).

Regarding claim 39 Oom et al teaches further comprising a mobile terminal (fig. 2, device 120).

Regarding claim 40 Oom et al teaches a method of controlling a mobile communications system, comprising (figs. 1-4): a plurality of terminal resource

controllers in the mobile communications system performing a control independent of a radio transmission scheme (col. 7, lines 40-67); and a base station resource controller in the mobile communications system performing a control dependent on the radio transmission scheme (col. 5, lines 6-40); wherein said plurality of terminal resource controllers manage said base station resource controller (col. 8, lines 1-25).

Regarding claim 41 Oom et al teaches a terminal resource controller comprising (figs. 1-4):

a terminal position detector, a common radio resource manager, a broadcast network device; and a mobile controller, wherein the terminal resource controller performs a control signaling processing independent of a radio transmission scheme (col. 7, lines 40-67), and wherein the terminal resource controller manages a plurality of base station resource controllers that perform a control dependent on the radio transmission scheme (col. 5, lines 6-40, col. 8, lines 1-25, figs. 1-4).

Regarding claim 42 Oom et al teaches a terminal resource controller comprising (fig. 1-4):

terminal position detection means for detecting a terminal position; common radio resource management means for managing a common radio resource; broadcast means for broadcasting; and mobile control means for controlling a mobile terminal, wherein the terminal resource controller performs a control independent of a radio transmission scheme, and wherein the terminal resource controller manages a plurality of base station resource controllers that perform a control dependent on the radio transmission scheme (col. 5, lines 6-40, col. 7, lines 40-67, col. 8, lines 1-25, figs. 1-4).

Regarding claim 43 Oom et al teaches a method of controlling a terminal resource controller, comprising performing a control independent of a radio transmission scheme, wherein said terminal resource controller manages a plurality of base station resource controllers that perform a control dependent on a radio transmission scheme (col. 5, lines 6-40, col. 7, lines 40-67, col. 8, lines 1-25, figs. 1-4).

Regarding claim 44 Oom et al teaches a base station resource controller comprising:  
a cell controller; a radio layer controller, a cell communication gateway, and a user radio gateway, wherein the base station resource controller performs a control dependent on a radio transmission scheme (col. 5, lines 6-40, col. 7, lines 40-67, col. 8, lines 1-25, figs. 1-4); and wherein the base station resource controller is managed by a plurality of terminal resource controllers that perform a control independent of the radio transmission scheme (col. 5, lines 6-40, col. 7, lines 40-67, col. 8, lines 1-25, figs. 1-4).

Regarding claim 45 Oom et al teaches a base station resource controller comprising:  
cell control means for controlling a cell radio layer control means for controlling a radio layer, cell communication gateway means for transmitting a radio channel signal; and user radio gateway means for controlling retransmission (col. 5, lines 6-40, col. 7, lines 40-67, col. 8, lines 1-25, figs. 1-4), wherein the base station resource controller performs a control dependent on a radio transmission scheme, and wherein the base station resource controller is managed by a plurality of terminal resource controllers that



perform a control independent of the radio transmission scheme (col. 5, lines 6-40, col. 7, lines 40-67, col. 8, lines 1-25, figs. 1-4).

Regarding claim 46 Oom et al teaches a method of controlling a base station resource controller, comprising: performing a control dependent on a radio transmission scheme, wherein the base station resource controller is managed by a plurality of terminal resource controllers that perform a control independent of the radio transmission scheme (col. 5, lines 6-40, col. 7, lines 40-67, col. 8, lines 1-25, figs. 1-4).

### ***Response to Arguments***

Applicant's arguments filed in the 10-14-08 Remarks have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Applicant's argument was that "Oom et al. does not teach, disclose, or even suggest that RNM 125 controls a signaling processing independent of the radio transmission scheme, as required by the amended independent claims". Examiner respectfully disagrees with this argument. Oom et al teaches that node 300 correspond to RNM 125 (see col. 5, lines 52-60) and CPU load reports from different RNCs (signaling, see col. 7, lines 45-55), shown create statistics and low pass filtering reports (processing) which is independent of the radio transmission scheme (col. 7, lines 45-60, fig. 3-4).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is (571)272-7909. The examiner can normally be reached on 9 am to 6.30 pm Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/K. I./  
Examiner, Art Unit 2617